



House of Representatives

File No. 860

General Assembly

January Session, 2011

(Reprint of File No. 92)

House Bill No. 6159
As Amended by House
Amendment Schedules "A" and "B"

Approved by the Legislative Commissioner
May 31, 2011

AN ACT CONCERNING TECHNICAL REVISIONS TO ENVIRONMENT RELATED STATUTES.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Subsection (c) of section 15-140q of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) If the person arrested refuses to submit to such test or analysis,
5 or submits to such test or analysis and the results of such test or
6 analysis indicate that at the time of the alleged offense such person had
7 an elevated blood alcohol content, the peace officer shall immediately
8 revoke the safe boating certificate, right to operate a vessel that
9 requires a safe boating certificate for operation or certificate of
10 personal watercraft operation, if any, of such person for a twenty-four-
11 hour period. The peace officer shall prepare a written report of the
12 incident and shall mail the report, together with any certificate taken
13 into possession and a copy of the results of any chemical test or
14 analysis, to the commissioner within three business days. The report
15 shall be made on a form approved by the commissioner and shall be

16 subscribed and sworn to under penalty of false statement as provided
17 in section 53a-157b by the peace officer before whom such refusal was
18 made or who administered or caused to be administered such test or
19 analysis. If the person arrested refused to submit to such test or
20 analysis, the report shall be endorsed by a third person who witnessed
21 such refusal. The report shall set forth the grounds for the officer's
22 belief that there was probable cause to arrest such person for operating
23 such vessel while under the influence of intoxicating liquor or any
24 drug, or both, or while such person has an elevated blood alcohol
25 content and shall state that such person refused to submit to such test
26 or analysis when requested by such peace officer or that such person
27 submitted to such test or analysis and the results of such test or
28 analysis indicated that such person at the time of the alleged offense
29 had an elevated blood alcohol content.

30 Sec. 2. Section 15-170 of the general statutes is repealed and the
31 following is substituted in lieu thereof (*Effective from passage*):

32 For the purposes of this section and sections 15-171 to 15-175,
33 inclusive:

34 [(a)] (1) "Discharge" means spill, leak, pump, pour, emit, empty or
35 dump;

36 [(b)] (2) "Docking facility" means any public, private or commercial
37 marina, yacht club, dock, wharf or in-water mooring used for
38 anchoring, berthing, mooring, serving or otherwise handling vessels,
39 and includes a facility organized as a common interest community;

40 [(c)] (3) "Marine sanitation device" means any equipment for
41 installation on board a vessel which is designed to receive, retain, treat
42 or discharge sewage;

43 [(d)] (4) "Sewage" means human body wastes and the wastes from
44 toilets and other receptacles intended to receive or retain body wastes;

45 [(e)] (5) "Vessel" means every description of watercraft, other than a

46 seaplane on water, used or capable of being used as a means of
47 transportation on water; and

48 [(f)] (6) "No discharge zone" means those bodies of water in this
49 state that the United States Environmental Protection Agency
50 designates as no discharge areas pursuant to 33 USC 1322.

51 Sec. 3. Subsection (g) of section 16a-21b of the general statutes is
52 repealed and the following is substituted in lieu thereof (*Effective from*
53 *passage*):

54 (g) Not later than February 1, 2012, and each year thereafter, the
55 Commissioner of Consumer Protection, in consultation with the
56 Distillate Advisory Board, shall submit a report, in accordance with the
57 provisions of section 11-4a, to the joint standing committees of the
58 General Assembly having cognizance of matters relating to energy and
59 the environment on the progress in meeting the requirements of this
60 section and on any [affect] effect that such requirements may have on
61 the price or supply of heating oil in this state.

62 Sec. 4. Section 21a-24a of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective from passage*):

64 (a) As used in this section:

65 (1) "Acidified food product" means a food item, with a pH value of
66 4.6 or less upon completion of the recipe for such product, including,
67 but not limited to, pickles, salsa and hot sauce, produced on the
68 premises of a residential farm. "Acidified food products" does not
69 include food consisting in whole or in part of milk or milk products,
70 eggs, meat, poultry, fish, shellfish, edible crustacean ingredients or
71 other ingredients, including synthetic ingredients, in a form capable of
72 supporting rapid and progressive growth of infectious or toxigenic
73 microorganisms.

74 (2) "Jam" means a food, with a pH value of 4.6 or less, made by
75 cooking fruit or vegetables with sugar to a thick mixture.

76 (3) "Jelly" means a food, with a pH value of 4.6 or less, made by
77 cooking fruit or vegetable juice that has been boiled with sugar.

78 (4) "Preserves" means a food, with a pH value of 4.6 or less,
79 consisting of fruit or vegetables preserved whole by cooking with
80 sugar.

81 (5) "Residential farm" means property (A) being utilized as a farm,
82 as defined in subsection (q) of section 1-1, and (B) serving as the
83 primary residence of the owner of such property.

84 (b) Notwithstanding the provisions of sections 21a-91 to 21a-120,
85 inclusive, and section 19-13-B40 of the regulations of Connecticut state
86 agencies, the preparation and sale of acidified food products, jams,
87 jellies or preserves on a residential farm shall be allowed in a room
88 used as living quarters and exempt from inspection by any state or
89 local agency, provided such acidified food products, jams, jellies or
90 preserves are prepared with fruit or vegetables grown on such farm
91 and in the case of acidified [foods] food products, provided (1) the
92 water supply of such residential farm comes from a public water
93 supply system or, if from a private well, is tested and tests negative for
94 coliform bacteria, (2) a pH test of such [foods] acidified food products
95 is performed by a laboratory after completion of the recipe for such
96 [product] acidified food products, (3) use of the kitchen where such
97 [foods] acidified food products are prepared is restricted from
98 nonprocessing individuals, pets, children or any other potential
99 contaminants during such preparation, and (4) the preparer of such
100 [foods] acidified food products (A) possesses documentation of such
101 preparer's successful completion of an examination concerning safe
102 food handling techniques administered by an organization approved
103 by the Department of Public Health for qualified food operators, or
104 possesses documentation indicating successful completion of an
105 approved course concerning safe food processing techniques
106 administered by an organization approved by the Department of
107 Consumer Protection, and (B) such documentation is made available to
108 the local health department or the Department of Consumer Protection

109 upon request. If the local health department or the Department of
110 Public Health has reason to believe that a private well used pursuant
111 to subdivision (1) of this subsection may be contaminated with
112 coliform bacteria, such department may require such private well to be
113 retested for the presence of coliform bacteria. Each container of
114 acidified food products, jam, jelly or preserves offered for sale on such
115 farm shall have on its label, in ten-point type: "Not prepared in a
116 government inspected kitchen".

117 Sec. 5. Subsection (b) of section 22a-245a of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective from*
119 *passage*):

120 (b) (1) Any reimbursement of the refund value for a redeemed
121 beverage container shall be paid from the deposit initiator's special
122 account, with such payment to be computed, subject to the provisions
123 of subdivision (2) of this subsection, under the cash receipts and
124 disbursements method of accounting, as described in Section 446(c)(1)
125 of the Internal Revenue Code of 1986, or any subsequent
126 corresponding Internal Revenue Code of the United States, as
127 amended from time to time.

128 (2) A deposit initiator may petition the Commissioner of Revenue
129 Services for an alternate method of accounting by filing with such
130 deposit initiator's return a statement of objections and other proposed
131 alternate method of accounting, as such deposit initiator believes
132 proper and equitable under the circumstances, that is accompanied by
133 supporting details and proof. The Commissioner of Revenue Services
134 shall promptly notify such deposit initiator whether the proposed
135 alternate method is accepted as reasonable and equitable and, if so [,]
136 accepted, shall adjust such deposit initiator's return [,] and payment of
137 reimbursement [,] accordingly.

138 Sec. 6. Subsection (c) of section 22a-245a of the general statutes is
139 repealed and the following is substituted in lieu thereof (*Effective from*
140 *passage*):

141 (c) (1) Each deposit initiator shall submit a report on March 15, 2009,
142 for the period from December 1, 2008, to February 28, 2009, inclusive.
143 Each deposit initiator shall submit a report on July 31, 2009, for the
144 period from March 1, 2009, to June 30, 2009, inclusive, and thereafter
145 shall submit a quarterly report for the immediately preceding calendar
146 quarter one month after the close of such quarter. Each such report
147 shall be submitted to the Commissioner of Environmental Protection,
148 on a form prescribed by the commissioner and with such information
149 as the commissioner deems necessary, including, but not limited to:
150 (A) The balance in the special account at the beginning of the quarter
151 for which the report is prepared; (B) a list of all deposits credited to
152 such account during such quarter, including all refund values paid to
153 the deposit initiator and all interest, dividends or returns received on
154 the account; (C) a list of all withdrawals from such account during
155 such quarter, all service charges and overdraft charges on the account
156 and all payments made pursuant to subsection (d) of this section; and
157 (D) the balance in the account at the close of the quarter for which the
158 report is prepared.

159 (2) Each deposit initiator shall submit a report on October 31, 2010,
160 for the calendar quarter beginning July 1, 2010. Subsequently, each
161 deposit initiator shall submit a quarterly report for the immediately
162 preceding calendar quarter, on or before the last day of the month next
163 succeeding the close of such quarter. Each such report shall be
164 submitted to the Commissioner of Revenue Services, on a form
165 prescribed by the [commissioner] Commissioner of Revenue Services,
166 and with such information as the [commissioner] Commissioner of
167 Revenue Services deems necessary, including, but not limited to, the
168 following information: (A) The balance in the special account at the
169 beginning of the quarter for which the report is prepared, (B) all
170 deposits credited to such account during such quarter, including all
171 refund values paid to the deposit initiator and all interest, dividends or
172 returns received on such account, (C) all withdrawals from such
173 account during such quarter, including all service charges and
174 overdraft charges on such account and all payments made pursuant to

175 subsection (d) of this section, and (D) the balance in such account at the
176 close of the quarter for which the report is prepared. Such quarterly
177 report shall be filed electronically with the Commissioner of Revenue
178 Services, in the manner provided by chapter 228g.

179 Sec. 7. Subsection (d) of section 22a-245a of the general statutes is
180 repealed and the following is substituted in lieu thereof (*Effective from*
181 *passage*):

182 (d) (1) On or before April 30, 2009, each deposit initiator shall pay
183 the balance outstanding in the special account that is attributable to the
184 period from December 1, 2008, to March 31, 2009, inclusive, to the
185 Commissioner of Environmental Protection for deposit in the General
186 Fund. Thereafter the balance outstanding in the special account that is
187 attributable to the immediately preceding calendar quarter shall be
188 paid by the deposit initiator one month after the close of such quarter
189 to the Commissioner of Environmental Protection for deposit in the
190 General Fund. If the amount of the required payment pursuant to this
191 subdivision is not paid by the date seven days after the due date, a
192 penalty of ten per cent of the amount due shall be added to the amount
193 due. The amount due shall bear interest at the rate of one and one-half
194 per cent per month or fraction thereof, from the due date. Any such
195 penalty or interest shall not be paid from funds maintained in the
196 special account.

197 (2) On or before October 31, 2010, each deposit initiator shall pay the
198 balance outstanding in the special account that is attributable to the
199 period from July 1, 2010, to September 30, 2010, inclusive, to the
200 Commissioner of Revenue Services for deposit in the General Fund.
201 Subsequently, the balance outstanding in the special account that is
202 attributable to the immediately preceding calendar quarter shall be
203 paid by the deposit initiator on or before the last day of the month next
204 succeeding the close of such quarter to the [commissioner]
205 Commissioner of Revenue Services for deposit in the General Fund. If
206 the amount of the required payment pursuant to this subdivision is not
207 paid on or before the due date, a penalty of ten per cent of the amount

208 due and unpaid, or fifty dollars, whichever is greater, shall be
209 imposed. The amount due and unpaid shall bear interest at the rate of
210 one per cent per month or fraction thereof, from the due date. Any
211 such penalty or interest shall not be paid from funds maintained in
212 such special account. Such required payment shall be made by
213 electronic funds transfer to the [commissioner] Commissioner of
214 Revenue Services, in the manner provided by chapter 228g.

215 Sec. 8. Subsection (f) of section 22a-245a of the general statutes is
216 repealed and the following is substituted in lieu thereof (*Effective from*
217 *passage*):

218 (f) The Commissioner of Revenue Services may examine the
219 accounts and records of any deposit initiator maintained under this
220 section or sections 22a-243 to 22a-245, inclusive, and any related
221 accounts and records, including receipts, disbursements and such
222 other items as the [commissioner] Commissioner of Revenue Services
223 deems appropriate.

224 Sec. 9. Subsection (h) of section 22a-245a of the general statutes is
225 repealed and the following is substituted in lieu thereof (*Effective from*
226 *passage*):

227 (h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and
228 [section] 12-555a shall be deemed to apply to the provisions of this
229 section, except any provision of sections 12-548, 12-550 to 12-554,
230 inclusive, and [section] 12-555a that is inconsistent with the provision
231 in this section.

232 Sec. 10. Subsection (c) of section 23-15b of the general statutes is
233 repealed and the following is substituted in lieu thereof (*Effective from*
234 *passage*):

235 (c) On or before October 1, 2010, and semiannually thereafter, the
236 Commissioner of Environmental Protection shall report to the Office of
237 Fiscal Analysis on the state parks for which funds have been collected
238 pursuant to subsection (a) of this section. Such report shall include (1)

239 the amount of funds received into the maintenance, repair and
240 improvement account, itemized by subaccount, (2) the amount of
241 funds the Department of Environmental Protection has expended from
242 the account for each park, and (3) the projects for which such funds
243 have been expended. Said commissioner shall post the same
244 information on the department's Internet web site.

245 Sec. 11. Subsection (c) of section 23-26 of the general statutes is
246 repealed and the following is substituted in lieu thereof (*Effective from*
247 *passage*):

248 (c) The commissioner shall issue to any resident of the state, upon
249 payment of a fee established by said commissioner, a nontransferable
250 Connecticut private passenger motor vehicle pass which permits free
251 parking throughout the calendar year at any state park, forest, boat
252 launch or other state recreational facility provided the commissioner
253 shall not be required to issue such a pass to any park, forest or facility
254 which is wholly managed by a private concessionaire and may require
255 payment of fees for special events. Not later than May 1, 2010, said
256 commissioner shall establish the amount of such fee for residents of
257 this state in an amount not greater than one hundred thirty-five per
258 cent of the amount charged for such fee by said commissioner as of
259 April 1, 2009. Not later than May 1, 2010, said commissioner shall
260 establish the amount of such fee for nonresidents of this state in an
261 amount not greater than one hundred fifty per cent of the amount
262 charged for such fee by said commissioner as of April 1, 2009.

263 Sec. 12. Subsections (c) and (d) of section 26-6 of the general statutes
264 are repealed and the following is substituted in lieu thereof (*Effective*
265 *from passage*):

266 (c) Any conservation officer, special conservation officer or
267 patrolman may, anywhere within the boundaries of the state, examine
268 the contents of any boat, ship, automobile or other vehicle, box, locker,
269 basket, creel, crate, game bag or game coat or other package in which
270 he has probable cause to believe that any fish, crustacean, bird or

271 quadruped is being kept, in violation of any said statutory provisions
272 or any regulation issued by the commissioner, or any regulation issued
273 by the United States Fish and Wildlife Service as provided by section
274 26-91, and to ascertain whether any provision of any law or any
275 regulation for the protection of any fish, crustacean, bird or quadruped
276 has been or is being violated, and [.] shall have the same authority as
277 police officers to obtain and execute search warrants as provided for in
278 sections 54-33a, 54-33b and 54-33c.

279 (d) Any conservation officer, special conservation officer or
280 patrolman [.] may be appointed a special policeman under the
281 provisions of section 29-18.

282 Sec. 13. Section 26-15 of the general statutes is repealed and the
283 following is substituted in lieu thereof (*Effective from passage*):

284 The state of Connecticut assents to the provisions of the Act of
285 Congress titled "Pittman-Robertson Wildlife Restoration Act",
286 approved September 2, 1937, and the provisions of the Act of Congress
287 titled "Dingell-Johnson Sport Fish Restoration Act", approved August
288 9, 1950. The Commissioner of Environmental Protection is authorized
289 and directed to perform such acts as may be necessary to the
290 establishment and operation of cooperative fish and wildlife
291 restoration projects, as defined in said acts of congress, in compliance
292 with said [act] acts and with rules and regulations promulgated by the
293 Secretary of the Interior thereunder, and no funds accruing to the state
294 from license, permit, tag and stamp fees, other than the stamp fee paid
295 pursuant to section 26-27b, paid by hunters, trappers and anglers,
296 including, but not limited to, license fees paid by hunters pursuant to
297 sections 26-28, 26-30, 26-31, 26-36, 26-48a, 26-86a and 26-86c, and real
298 or personal property acquired with license, permit, tag and stamp fees,
299 interest, dividends, or other income earned on license, permit, tag and
300 stamp fees shall be diverted for any other purpose than to fund the
301 programs and functions of the Bureau of Natural Resources within the
302 Department of Environmental Protection, in accordance with 50 CFR
303 80.4.

304 Sec. 14. Subsection (a) of section 32-324a of the general statutes is
305 repealed and the following is substituted in lieu thereof (*Effective from*
306 *passage*):

307 (a) There is established an account to be known as the "Connecticut
308 qualified biodiesel producer incentive account", which shall be a
309 separate, nonlapsing account within the General Fund. The account
310 shall contain any moneys required by law to be deposited in the
311 account. The account may contain any moneys available from any
312 agency or department of the federal government or any state agency
313 for the purpose described in subsection (b) of this section. [Such] Said
314 account shall not terminate upon the lack of any funds in [such] said
315 account.

316 Sec. 15. Subsection (a) of section 21a-12b of the general statutes is
317 repealed and the following is substituted in lieu thereof (*Effective*
318 *October 1, 2011*):

319 (a) For the purposes of this section, "reusable food or beverage
320 container" means a receptacle for storing food or beverages, including,
321 but not limited to, baby bottles, spill-proof cups, sports bottles and
322 thermoses, and excluding food or beverage containers intended for
323 disposal after initial use and any bottle that is part of a water cooler
324 system.

325 Sec. 16. Section 22-80 of the general statutes is repealed and the
326 following is substituted in lieu thereof (*Effective October 1, 2011*):

327 Said board shall meet not less than quarterly during any calendar
328 year upon the call of the president at such times and places as he
329 deems necessary, except that the board shall meet [on the third
330 Tuesday of] in January at such place [in the city of Hartford] as may be
331 designated by its president. Five members of said board shall
332 constitute a quorum. Said board shall annually choose from its number
333 a president, a secretary and a treasurer who shall hold their respective
334 offices one year and until their successors are chosen, and may fill any
335 vacancy in any office filled by said board. The treasurer shall endorse

336 all drafts and checks and receive and receipt for all moneys payable to
 337 the station. Members of the board shall not be compensated for their
 338 services but shall be reimbursed for necessary expenses incurred in the
 339 performance of their duties. Any member who fails to attend three
 340 consecutive meetings or who fails to attend fifty per cent of the
 341 meetings held during any calendar year shall be deemed to have
 342 resigned from office. Minutes of any meeting shall be recorded by the
 343 board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	15-140q(c)
Sec. 2	<i>from passage</i>	15-170
Sec. 3	<i>from passage</i>	16a-21b(g)
Sec. 4	<i>from passage</i>	21a-24a
Sec. 5	<i>from passage</i>	22a-245a(b)
Sec. 6	<i>from passage</i>	22a-245a(c)
Sec. 7	<i>from passage</i>	22a-245a(d)
Sec. 8	<i>from passage</i>	22a-245a(f)
Sec. 9	<i>from passage</i>	22a-245a(h)
Sec. 10	<i>from passage</i>	23-15b(c)
Sec. 11	<i>from passage</i>	23-26(c)
Sec. 12	<i>from passage</i>	26-6(c) and (d)
Sec. 13	<i>from passage</i>	26-15
Sec. 14	<i>from passage</i>	32-324a(a)
Sec. 15	<i>October 1, 2011</i>	21a-12b(a)
Sec. 16	<i>October 1, 2011</i>	22-80

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes technical changes to the environmental statutes, does not result in a fiscal impact.

House "A" and "B" make technical changes that do not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 6159 (as amended by House "A" and "B")*****AN ACT CONCERNING TECHNICAL REVISIONS TO ENVIRONMENT RELATED STATUTES.****SUMMARY:**

Beginning October 1, 2011, the law bans the manufacture, sale, offer for sale, or distribution in the state of (1) infant formula and baby food stored in plastic containers, jars, and cans containing bisphenol-A (BPA) and (2) reusable food or beverage containers containing BPA. This bill excludes water cooler system bottles from the ban.

It modifies the Agricultural Experiment Station's board meeting requirements. By law, the board is required to meet in Hartford on the third Tuesday in January. The bill requires that the board meet in January at a place designated by the board's president.

It also makes many technical changes in environmental laws.

*House Amendment "A" excludes water cooler system bottles from the ban on reusable food or beverage containers containing BPA.

*House Amendment "B" modifies the Agricultural Experiment Station's January board meeting requirements.

EFFECTIVE DATE: October 1, 2011, except for the technical change provisions, which take effect upon passage.

BACKGROUND***Bisphenol-A***

BPA is an industrial chemical used to make certain plastics and resins, such as polycarbonate plastics and epoxy resins. Polycarbonate

plastics are often used in food and beverage containers, such as water and baby bottles. Epoxy resins can be used to coat the inside of metal products, such as food and baby formula cans, bottle tops, and water supply lines. BPA is also found in certain thermal paper products. Laboratory animal studies have found it to have reproductive and developmental toxicity.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 26 Nay 0 (03/09/2011)